

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>OLIVER DERWIN THOMAS,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>1:11CV38</b>
<b>v.</b>	)	<b>1:07cr42-2</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

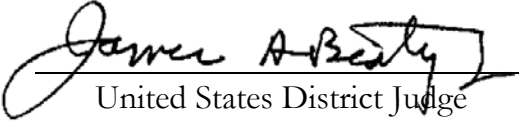
**O-R-D-E-R**

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 13, 2014, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that (1) Petitioner's motion to vacate, set aside or correct sentence (Docket Entry 66) be DENIED and that this action be dismissed; and (2) that Petitioner's motions (Docket Entries 75 and 78) for summary judgment be DENIED. A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the

conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

  
United States District Judge

Date: March 24, 2014